

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ERICK L. SIMS,

Plaintiff,

v.

KING COUNTY OF WASHINGTON  
STATE, *et al.*,

Defendants.

Case No. C16-1393-RAJ-JPD

REPORT AND RECOMMENDATION

Plaintiff is a pretrial detainee at the King County Jail in Seattle, Washington, who is proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983 civil rights action. By Order dated September 8, 2016, the Court declined to serve plaintiff's amended complaint and granted leave to amend within thirty (30) days. Dkt. 5. To date, however, plaintiff has failed to submit an amended complaint or otherwise respond to the Court's Order.

Accordingly, the Court recommends that this § 1983 action be DISMISSED without prejudice. A proposed order accompanies this Report and Recommendation. The Clerk is directed to send copies of this Order to the plaintiff and to the Honorable James P. Donohue.

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit by no later than **November 4, 2016**. Failure to file

1 objections within the specified time may affect your right to appeal. Objections should be  
2 noted for consideration on the District Judge's motion calendar for the third Friday after they  
3 are filed. Responses to objections may be filed within **fourteen (14)** days after service of  
4 objections. If no timely objections are filed, the matter will be ready for consideration by the  
5 District Judge on **November 14, 2016**.

6 This Report and Recommendation is not an appealable order. Thus, a notice of appeal  
7 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the  
8 assigned District Judge acts on this Report and Recommendation.

9 DATED this 14th day of October, 2016.

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11 JAMES P. DONOHUE  
12 Chief United States Magistrate Judge  
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